

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MICHAEL EDWARD VOYLES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13cv1031-DPJ-FKB

GEORGE ZOLEY, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

Michael Edward Voyles is a state prisoner currently incarcerated at East Mississippi Correctional Facility (EMCF). He brought this action pursuant to 42 U.S.C. § 1983 alleging inadequate medical care for his condition of chronic hepatitis C. Presently before the Court is the motion of Defendant Michael Reddix, M.D., for summary judgment [64]. Plaintiff has not responded to the motion.

Dr. Reddix is a co-owner of Health Assurance LLC, the entity that operates the medical department of EMCF. As Dr. Reddix points out in his motion, Plaintiff testified at the omnibus hearing that he has never been seen or treated by Dr. Reddix. Neither has Plaintiff alleged any personal involvement by Dr. Reddix in his health care.

Liability under § 1983 may not be premised on a theory of *respondeat superior*. *Monnell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691 (1978). Rather, a plaintiff must prove that a defendant directly participated in the denial of his constitutional rights. *Goodman v. Harris Cnty.*, 571 F.3d 388, 395 (5th Cir. 2009). Voyles has admitted the lack of involvement of Dr. Reddix. Accordingly, his claims against this Dr. Reddix are subject to dismissal.

For this reason, the undersigned recommends that Dr. Reddix's motion be granted. The parties are hereby notified that failure to file written objections to the findings and

recommendations contained in this report within fourteen (14) days from being served with a copy of this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. § 636; *Douglass v. United Service Automobile Ass'n*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted, this the 16th day of April, 2015.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE